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Date • July 14, 2009

Pages • 11

Time •

Transmit To • Mr. Elly-Gerald Stoica

Company/Firm • U.S. Patent and Trademark Office

Telephone No. • 571.272.9941

Fax No. • 571.273.9941

From • Kathleen M. McKenzie

Phone • 858.509.7435

Attorney • Stephanie Seidman, Reg. No. 33,779

Reference / Subject • USSN 10/658,834

Replacement Supplemental Information Disclosure  
Statements, filed June 26, 2008 and April 27, 2009

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Client ID/Matter No. • 0120239-00005 / 922

**COMMENTS:** Per our telephone conversation July 14, 2009, regarding uninitiated IDS tables from the Notice of Allowance, mailed July 9, 2009, attached herewith are:

(1) a **Replacement Transmittal Letter, Supplemental IDS letter, and Form PTO-1449**, originally filed June 26, 2008 via Express Mail Nos. EM 2477365504 US; and

(2) a **Replacement Transmittal Letter, Supplemental IDS letter, and Form PTO-1449**, originally filed April 27, 2009 via Express Mail Nos. EM 315453632 US.

Consideration by the Examiner of the documents listed in the Tables of the Supplemental IDS letters is respectfully requested. Please initial and return via Fax to the above listed number. Thank you for your time and consideration.

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When you are sending to us, please be sure to include a cover sheet with your transmittal and a telephone number where you can be contacted in case of equipment malfunction.

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Time:

**IMPORTANT:** The materials transmitted by this facsimile are sent by a lawyer or his/her agent, and are considered confidential and are intended only for the use of the individual or entity named. If the addressee is a client, these materials may also be subject to applicable privileges. If the recipient of these materials is not the addressee, or the employee or agent responsible for the delivery of these materials to the addressee, please be aware that any dissemination, distribution or copying of this communication is strictly prohibited. If you have received this communication in error, please immediately notify us at 858.509.7400 (collect) and return the transmitted materials to us at the above address via the U.S. Postal Service. We will reimburse you any costs incurred in connection with this erroneous transmission and your return of these materials. Thank you. Please report problems with reception by calling 858.509.7400.

Attorney's Docket No.: 119365-00005 / 922

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant : Gantier et al. Art Unit : 1647  
Serial No. : 10/658,834 Examiner : Stoica, Elly Gerald  
Filed : September 8, 2003 Conf. No. : 7681  
Cust. No. : 77202  
Title : RATIONAL EVOLUTION OF CYTOKINES FOR HIGHER STABILITY, THE  
CYTOKINES AND ENCODING NUCLEIC ACID MOLECULES

Mail Stop Amendment  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

TRANSMITTAL LETTER

Dear Sir:

Transmitted herewith are a Supplemental Information Disclosure Statement (4 pages), PTO Form 1449 (1 page), copy of a U.S. Office action, issued December 28, 2007, in connection with U.S. Application Ser. No. 11/176,830 (14 pages), copy of an European Search Report, issued January 31, 2008, in connection with European Patent Application No. 03794017.8 (14 pages), and a return receipt postcard for filing in connection with the above-identified application.

The Commissioner is hereby authorized to charge any fees that may be due in connection with this paper or with this application during its entire pendency to Deposit Account No. 02-1818. A duplicate of this sheet is enclosed.

Respectfully submitted,

  
\_\_\_\_\_  
Stephanie Seidman  
Reg. No. 33,779

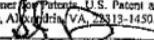
Attorney Docket No. 119365-00005 / 922

Address all correspondence to:

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Bell, Boyd & Lloyd LLP  
3580 Carmel Mountain Road, Suite 200  
San Diego, CA 92130-9015  
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Facsimile: (858) 509-7460  
email: sseidman@bcilboyd.com

CERTIFICATE OF MAILING BY "EXPRESS MAIL"  
"Express Mail" Mailing Label Number EM 24773594 US  
Date of Deposit June 26, 2008.

I hereby certify that this paper is being deposited with the United States Postal "Express Mail Post Office to Addressee" Service under 37 CFR §1.10 on the date indicated above and is addressed to: Commissioner for Patents, U.S. Patent and Trademark Office, P.O. Box 1450, Alexandria, VA 22313-1450.

\_\_\_\_\_  
Steven Dennis 

Attorney's Docket No.: 119365-00005 / 922

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant : Gantier et al.. Art Unit : 1647  
Serial No. : 10/658,834 Examiner : Stoica, Elly Gerald  
Filed : September 8, 2003 Conf. No. : 7681  
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CYTOKINES AND ENCODING NUCLEIC ACID MOLECULES

**Mail Stop Amendment**  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

**SUPPLEMENTAL INFORMATION DISCLOSURE STATEMENT IN  
ACCORDANCE WITH 37 C.F.R. §§1.97-1.98**

Dear Sir:

Because this Supplemental Information Disclosure Statement is after receipt of a first Office Action on the Merits of the above-captioned application, the filing fee of \$180 is enclosed. If no proper payment is enclosed herewith, as by a check being in the wrong amount, unsigned, post-dated, otherwise improper or informal, or even entirely missing, the Commissioner is authorized to charge the unpaid amount to Deposit Account No. 02-1818.

In accordance with the duty of disclosure imposed by 37 C.F.R. §1.56 to inform the Patent Office of all information known by Applicant or Applicant's representative that may be material to the examination of the subject application, Applicant's representative hereby provides this Supplemental Information Disclosure Statement that is prepared in accordance with 37 C.F.R. §§1.97-1.98. Form PTO-1449 (1 page) and copies of the cited non U.S. patent documents are provided herewith in connection with the above-captioned application.

The documents listed on the Form PTO-1449 are in the English language. Hence, in accordance with the requirements of 37 C.F.R. §1.98, as amended effective March 16, 1992, no further explanation of the listed items is necessary.

CERTIFICATE OF MAILING BY "EXPRESS MAIL"  
"Express Mail" Mailing Label Number EM 247735504 US  
Date of Deposit June 26, 2008.  
I hereby certify that this paper is being deposited with the United States Postal "Express Mail Post Office to Addressee" Service under 37 CFR §1.10 on the date indicated above and is addressed to: Commissioner for Patents, U.S. Patent and Trademark Office, P.O. Box 1450, Alexandria, VA, 22313-1450.

\_\_\_\_\_  
Steven Dennis

Applicant : Gantier et al.  
 Serial No. : 10/658,834  
 Filed : September 8, 2003

Attorney's Docket No.: 119365-00005/ 922  
 Supplemental Information Disclosure Statement

A Copy of a U.S. Office Actions (Document I), issued December 28, 2007, in connection with corresponding U.S. Application Ser. No. 11/176,830 is provided. A copy of a European Search Report (Document II), issued January 31, 2008, in connection with corresponding European Patent Application No. 03794017.8 is provided. The table below lists Documents I and II and includes a column that provides a space next to the documents to be considered, for the Examiner's initials.

Examiner Initial	Document No.	Document
	I	Copy of U.S. Office Action, issued December 28, 2007, in connection with U.S. Application Ser. No. 11/176,830
	II	Copy of European Search Report, issued January 31, 2008, in connection with European Patent Application No. 03794017.8

In the U.S. Office Action, issued December 28, 2007 (Document I), the following documents are cited: 1) US 5,871,723, 2) US 2001/0043915, 3) WO 1991/02000, and 4) Klaus et al., The Three-dimensional High Resolution Structure of Human Interferon  $\alpha$ -2a Determined by Heteronuclear NMR Spectroscopy in Solution. *J. Mol. Biol.*, 274, 661-675, 1997. Documents 1-4 are made of record in the instant application in this Information Disclosure Statement, supplied with Forms PTO-1449 and copies of the cited non U.S. patent documents.

In the European Search Report, issued January 31, 2008 (Document II), the following documents are cited: 1) WO 1999/16889, 2) Ohta et al., "Selective glycopeptide mapping of erythropoietin by on-line high-performance liquid chromatography-electrospray ionization mass spectrometry" *Journal of Chromatography* 910:1-11 (2001), 3) EP 0240224, 4) WO 2001/25438, 5) WO 2001/61344, 6) Gibrat et al "Surprising similarities in structure comparison" *Curr. Opinion in Structural Biology* 6(3) pp 377-385 (1996), 7) Holm et al "Mapping the protein Universe" *Science* 273(2):595-603 (1996), 8) Pichler et al "New Structural and functional aspects of the type I interferon-receptor interaction revealed by comprehensive mutational analysis of the binding interface" *J. Biol Chem.* 275(51) pp. 40425-40433 (2000), and 9) Pichler et al., "Mutational and structural analysis of the binding interface between type I interferons and their receptor ifnar 2" *Journal of Molecular Biology* 294:223-237 (1999). Documents 1-2 are made of record in the instant application in this Information Disclosure

Applicant : Gantier et al.  
 Serial No. : 10/658,834  
 Filed : September 8, 2003

Attorney's Docket No.: 119365-00005/ 922  
 Supplemental Information Disclosure Statement

Statement, supplied with Forms PTO-1449 and copies of the cited non U.S. patent documents. Documents 3-5 are made of record in the instant application in an Information Disclosure Statement, supplied with Forms PTO-1449 and copies of the cited non U.S. patent documents, filed November 9, 2004. Documents 6-8 are made of record in the instant application in an Information Disclosure Statement, supplied with Forms PTO-1449 and copies of the cited non U.S. patent documents, filed January 9, 2004. Document 9 is made of record in the instant application in an Information Disclosure Statement, supplied with Forms PTO-1449 and copies of the cited non U.S. patent documents, filed October 20, 2006.

Further to the list provided in the communication filed on October 4, 2007, applicant also makes known to the examiner the following pending U.S. and International Applications that have one or more common inventors and/ or common ownership:

U.S.S.N.	Filing Date	Publ. No.	Publ. Date	Docket No.
11/656,921	01/22/07	2007-0254838	11/01/07	922E
11/703,610	02/06/07	2008-0075672	03/27/08	922C
11/704,141	02/07/07	n/a	n/a	922D
11/707,014	02/14/07	2007-0224665	09/27/07	922G
11/729,267	03/27/07	2008-0038224	02/14/08	924
11/729,266	03/27/07	2008-0003202	01/03/08	924B
11/788,836	04/19/07	n/a	n/a	932
11/818,985	06/15/07	2008-0102115	05/01/08	930
11/825,604	07/05/07	n/a	n/a	922H
11/998,387	11/28/07	n/a	n/a	931
12/082,365	04/09/08	n/a	n/a	922I
12/082,389	04/09/08	n/a	n/a	922J
12/157,150	06/06/08			922K
Int'l App. No.	Filing Date	Publ No.	Publ. Date	Docket No.
PCT/EP07/002700	03/27/07	WO 07/110231	10/04/07	924PC
PCT/US07/14219	06/15/07	WO 07/149406	12/27/07	930PC
PCT/GB07/004520	11/27/2007	WO 08/065372	06/05/08	931PC

Although these documents and applications are made known to the Patent and Trademark Office in compliance with Applicant's duty of disclosure, such disclosure is not to be construed as an admission by Applicant or Applicant's representative that any of the information, singly or in any combination thereof, is effective as prior art against the subject application. In accordance

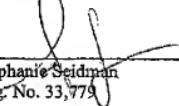
Applicant : Gantier et al.  
Serial No. : 10/658,834  
Filed : September 8, 2003

Attorney's Docket No.: 119365-00005/ 922  
Supplemental Information Disclosure Statement

with 37 C.F.R. §1.97 (g and h), the filing of this Supplemental Information Disclosure Statement shall not be construed to mean that a search has been made or that no other material information as defined in 37 C.F.R. §1.56 (b) exists.

Applicant respectfully requests that the Examiner review the foregoing documents and make them of record in the file history of the above-captioned application.

Respectfully submitted,

  
\_\_\_\_\_  
Stephanie Seidman  
Reg. No. 33,779

Attorney Docket No. 119365-00005 / 922

Address all correspondence to:

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Bell, Boyd & Lloyd  
3580 Carmel Mountain Road, Suite 200  
San Diego, CA 92130-6766  
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Facsimile: (858) 509-7466  
email: [sseidman@bellboyd.com](mailto:sseidman@bellboyd.com)

Sheet 1 of 1

Substitute Form PTO-1449 (Modified)	U.S. Department of Commerce Patent and Trademark Office	Attorney's Docket No. 119365-005 / 922	Application No. 10/658,834
<b>List of Patents and Publications for Applicant's Information Disclosure Statement</b>  (37 CFR §1.98(b))		Applicant Gantier et al.	
		Filing Date July 6, 2005	Group Art Unit 1647

**U.S. Patent Documents**

Examiner Initial	Desig. ID	Document Number	Publication Date	Patentee	Class	Subclass	Filing Date if Appropriate
	AA	2001/0043915	11/22/01	Frey	424	85.5	12/08/00
	AB	5,871,723	02/16/99	Stricker et al.	424	85.1	06/06/95

**Foreign Patent Documents or Published Foreign Patent Applications**

Examiner Initial	Desig. ID	Document Number	Publication Date	Country or Patent Office	Class	Subclass	Translation Yes      No
	AC	WO 91/02000	02/21/91	WIPO			

**Other Documents (include Author, Title, Date, and Place of Publication)**

Examiner Initial	Desig. ID	Document
	AD	Klaus et al., "The three dimensional high resolution structure of human Interferon $\alpha$ -2a determined by heteronuclear NMR spectroscopy in solution," <i>J Mol Biol</i> 274:661-675 (1997).
	AE	Ohta et al., "Selective glycopeptide mapping of erythropoietin by on-line high-performance liquid chromatography-electrospray ionization mass spectrometry," <i>Journal of Chromatography</i> 910:1-11 (2001).

Examiner Signature	Date Considered
EXAMINER: Initial if citation considered, whether or not citation is in conformance with MPEP 609; Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.	

Attorney's Docket No.: 0119365-00005 / 922

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant : Gantier et al.	Art Unit : 1647
Serial No. : 10/658,834	Examiner : Stoica, Elly Gerald
Filed : September 8, 2003	Conf. No. : 7681
Cust. No. : 77202	
Title : RATIONAL EVOLUTION OF CYTOKINES FOR HIGHER STABILITY, THE CYTOKINES AND ENCODING NUCLEIC ACID MOLECULES	

Mail Stop Amendment  
 Commissioner for Patents  
 P.O. Box 1450  
 Alexandria, VA 22313-1450

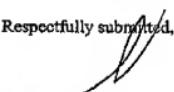
TRANSMITTAL LETTER

Dear Sir:

Transmitted herewith are a Supplemental Information Disclosure Statement (3 pages), PTO Form 1449 (1 page), copies of cited non U.S. patent documents, copy of an Office Action, issued October 28, 2008, in connection with U.S. Application Ser. No. 11/176,830 (17 pages), copy of an Office Action, issued December 24, 2008, in connection with U.S. Application Ser. No. 11/707,014 (11 pages), and a return receipt postcard for filing in connection with the above-identified application.

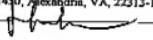
The Commissioner is hereby authorized to charge any fees that may be due in connection with this paper or with this application during its entire pendency to Deposit Account No. 02-1818. A duplicate of this sheet is enclosed.

Respectfully submitted,

  
 Stephanie Seidman  
 Reg. No. 33,779

Attorney Docket No. 0119365-00005 / 922  
 Address all correspondence to:  
 Stephanie Seidman  
 K&L Gates LLP  
 3580 Carmel Mountain Road, Suite 200  
 San Diego, CA 91230  
 Telephone: (858) 509-7410  
 Facsimile: (858) 509-7460  
 email: stephanie.seidman@klgates.com

CERTIFICATE OF MAILING BY "EXPRESS MAIL."  
 "Express Mail" Mailing Label Number EM 315453632 US  
 Date of Deposit: April 27, 2009.  
 I hereby certify that this paper is being deposited with the United States Postal "Express Mail Post Office to Addressee" Service under 37 CFR §1.10 on the date indicated above and is addressed to: Commissioner for Patents, U.S. Patent and Trademark Office, P.O. Box 1450, Alexandria, VA, 22313-1450.

Jon Levy 

Attorney's Docket No.: 0119365-00005 / 922

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant : Gantier et al.. Art Unit : 1647  
Serial No. : 10/658,834 Examiner : Stoica, Elly Gerald  
Filed : September 8, 2003 Conf. No. : 7681  
Cust. No. : 77202  
Title : RATIONAL EVOLUTION OF CYTOKINES FOR HIGHER STABILITY, THE  
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**Mail Stop Amendment**  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

**SUPPLEMENTAL INFORMATION DISCLOSURE STATEMENT IN  
ACCORDANCE WITH 37 C.F.R. §§1.97-1.98**

Dear Sir:

Because this Supplemental Information Disclosure Statement is filed after the receipt of a First Office Action on the Merits for the above-captioned application, the Commissioner is authorized to charge the unpaid amount to Deposit Account No. 02-1818.

In accordance with the duty of disclosure imposed by 37 C.F.R. §1.56 to inform the Patent Office of all information known by Applicant or Applicant's representative that may be material to the examination of the subject application, Applicant's representative hereby provides this Supplemental Information Disclosure Statement that is prepared in accordance with 37 C.F.R. §§1.97-1.98. Form PTO-1449 (1 page) and copies of the cited non U.S. patent documents are provided herewith in connection with the above-captioned application.

The documents listed on the Form PTO-1449 are in the English language. Hence, in accordance with the requirements of 37 C.F.R. §1.98, as amended effective March 16, 1992, no further explanation of the listed items is necessary.

A Copy of an Office Action (Document I), issued October 28, 2008, in connection with U.S. Application Serial No. 11/176,830 is provided. A Copy of an Office Action (Document II),

CERTIFICATE OF MAILING BY "EXPRESS MAIL"  
"Express Mail" Mailing Label Number EM 315453632 US  
Date of Deposit April 27, 2009.  
I hereby certify that this paper is being deposited with the United States Postal "Express Mail Post Office to Addressee" Service under 37 CFR §1.10 on the date indicated above and is addressed to: Commissioner for Patents, U.S. Patent and Trademark Office, P.O. Box 1450, Alexandria, VA, 22313-1450.

Jon Levy

Applicant : Gantier et al.  
 Serial No. : 10/658,834  
 Filed : September 8, 2003

Attorney's Docket No.: 119365-00005/ 922  
 Supplemental Information Disclosure Statement

issued December 24, 2008, in connection with U.S. Application Serial No. 11/707,014 is provided. The table below lists Documents I and II and includes a column that provides a space next to the documents to be considered, for the Examiner's initials.

Examiner Initial	Document No.	Document
	I	Copy of Office Action, issued October 28, 2008, in connection with U.S. Application Serial No. 11/176,830
	II	Copy of Office Action, issued December 24, 2008, in connection with U.S. Application Serial No. 11,707,014

Further to the list provided in the communication filed on June 26, 2008, applicant also makes known to the examiner the following pending U.S. and International Applications that have one or more common inventors and/or common ownership:

U.S.S.N.	Filing Date	Publ. No.	Publ. Date	Docket No.
11/704,141	02/07/07	2008-0194477	08/14/08	922D
11/706,088	02/13/07	2008-0274081	11/06/08	922F
11/788,836	04/19/07	2008-0260820	10/23/08	932
11/825,604	07/05/07	2008-0159977	07/03/08	922H
12/082,365	04/09/08	2008-0274081	11/06/08	922I
12/082,389	04/09/08	2009-0053147	02/26/09	922J
Int'l App. No.	Filing Date	Publ No.	Publ. Date	Docket No.
PCT/GB07/004520	11/27/2007	WO 08/065372	06/05/08	931PC

Although these documents and applications are made known to the Patent and Trademark Office in compliance with Applicant's duty of disclosure, such disclosure is not to be construed as an admission by Applicant or Applicant's representative that any of the information, singly or in any combination thereof, is effective as prior art against the subject application.

In accordance with 37 C.F.R. §1.97 (g and h), the filing of this Supplemental Information Disclosure Statement shall not be construed to mean that a search has been made or that no other material information as defined in 37 C.F.R. §1.56 (b) exists.

Applicant : Gantier et al.  
Serial No. : 10/658,834  
Filed : September 8, 2003

Attorney's Docket No.: 119365-00005/ 922  
Supplemental Information Disclosure Statement

Applicant respectfully requests that the Examiner review the foregoing documents and make them of record in the file history of the above-captioned application.

Respectfully submitted,

  
Stephanie Seidman  
Reg. No. 33,779

Attorney Docket No. 0119365-00005 / 922

Address all correspondence to:

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Facsimile: (858) 509-7466  
cmail: stephanie.seidman@klgates.com

Sheet 1 of 1

Substitute Form PTO-1449 (Modified)		U.S. Department of Commerce Patent and Trademark Office		Attorney's Docket No. 0119365-00005 / 922	Application No. 10/658,834
List of Patents and Publications for Applicant's Information Disclosure Statement  (37 CFR §1.98(b))		Applicant Gantier et al.			
		Filing Date September 8, 2003		Group Art Unit 1647	
<b>U.S. Patent Documents</b>					
Examiner Initial	Desig. ID	Document Number	Publication Date	Patentee	Class      Subclass      Filing Date If Appropriate
None.					

<b>Foreign Patent Documents or Published Foreign Patent Applications</b>						
Examiner Initial	Desig. ID	Document Number	Publication Date	Country or Patent Office	Class	Subclass      Translation <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
None.						

<b>Other Documents (include Author, Title, Date, and Place of Publication)</b>		
Examiner Initial	Desig. ID	Document
	AA	ClustalW2.pdf Human Interferon Alpha Multiple Sequence Alignment found at <a href="http://www.ebi.ac.uk/cgi-bin/jobs/results/clustalw2/clustalw2-20071214-20043420.a?n?">http://www.ebi.ac.uk/cgi-bin/jobs/results/clustalw2/clustalw2-20071214-20043420.a?n?</a> [Accessed 12/14/2007] [2 pages].
	AB	UniprotKB.pdf found found at <a href="http://www.uniprot.org/uniprot/?query=Human+Interferon+alpha&amp;sort=score">http://www.uniprot.org/uniprot/?query=Human+Interferon+alpha&amp;sort=score</a> [Accessed on 10/24/2008] [6 pages].
	AC	IFN2 Human Interferon Alpha sequences used for clustalW2 search. [Accessed on 12/14/2007] [1 page].

Examiner Signature	Date Considered
EXAMINER: Initial if citation considered, whether or not citation is in conformance with MPEP 609; Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.	